



July 8, 1999

Ms. Pamela S. Bacon  
Public Information Administrator  
The University of Texas System  
601 Colorado Street  
Austin, Texas 78701-2982

OR99-1906

Dear Ms. Bacon:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125531.

The University of Texas System (the "system") received an open records request for information concerning the system's speeches and remarks regarding the requestor's open records requests. You state that you will provide the requestor with some of the requested information. You contend the remaining "legislative-related documents" are excepted from required public disclosure pursuant to section 552.106 of the Government Code.

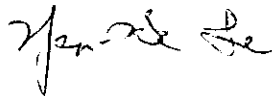
Section 552.106 of the Government Code protects drafts and working papers involved in the preparation of proposed legislation. The purpose of the exception is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body. Open Records Decision No. 460 (1987). Section 552.106 ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. *Id.* Section 552.106 does not except purely factual material; rather, it excepts only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation. *Id.*

You have submitted "documents [that] relate to possible amendments to the open records act," such as "drafts of legislation, explanation of the drafts and a transmittal of a draft revision." We conclude that, in this instance, section 552.106 is inapplicable to the system because the system is neither a subordinate or advisor of a legislative body nor a person with a responsibility to prepare information and proposals for a legislative body. Section 552.106 applies only to drafts and working papers prepared by persons with some official responsibility to prepare them for the legislative body. Open Records Decision No. 429 at 5 (1985). It does not apply to materials prepared by an agency that has no official responsibility to do so but only acts as an interested party who wishes to influence the legislative process. *Id.* (section 552.106 does not except documents concerning Texas Turnpike Authority's efforts to persuade various cities, which are legislative bodies, to enact

ordinances governing land use or building restrictions). Here, the system prepared documents suggesting amendments to the Texas Public Information Act that it would like the legislature to consider. The system's proposed legislation in this instance does not impact its primary function as a university system; instead, the system appears to have voluntarily provided the legislature with possible amendments to the Texas Public Information Act. *See* Open Records Decision Nos. 460 (1987) (because city charter directs city manager to present budget proposals to city council, which is a legislative body, statutory predecessor to section 552.106 applies), 367 (1983) (statutory predecessor of section 552.106 applies to except Texas State Board of Public Accountancy's recommendations for amendments to Public Accountancy Act), 344 (1982) (information held by State Property Tax Board concerning ad valorem taxation by school districts that was prepared to support proposed legislation arguably may be within exception); *see also* Open Records Letter Nos. 97-2293 (1997) (Public Utility Commission's proposed legislation concerning deregulation or transition to deregulation of electric utility industry), 97-1167 (1997) (Texas Education Agency's document distributed to the House Select Committee on Revenue and Public Education, which came from agency's School Finance and Funding Division). Thus, under the circumstances in this case, you may not withhold the requested information under section 552.106.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/eaf

Ref.: ID# 125531

Encl. Submitted documents

cc: Mr. Stephen Lisson  
INITIATE!!  
P.O. Box 2013  
Austin, Texas 78768-2013  
(w/o enclosures)